

DJIBOUTI: Tier 2 Watch List

The Government of Djibouti does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included funding civil society organizations to provide services to potential trafficking victims; assisting vulnerable populations or referring them to civil society protective services; and, for the first time, training the incoming class of magistrates on trafficking crimes. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government decreased the number of investigations and prosecutions related to trafficking crimes and has not convicted a trafficker since 2017. Limited understanding of trafficking indicators among front-line officials continued to inhibit law enforcement and victim identification and screening efforts; the government did not identify any trafficking victims during the reporting period and remained without specialized protection services for victims, if identified. Officials also continued to conflate human trafficking and migrant smuggling, hindering the effectiveness of overall anti-trafficking efforts. For the sixth consecutive year, the government did not fully operationalize its national action plan to combat trafficking. Therefore Djibouti was downgraded to Tier 2 Watch List.

PRIORITIZED RECOMMENDATIONS:

Vigorously increase efforts to investigate, prosecute, and convict suspected traffickers, including allegedly complicit officials, under the 2016 anti-trafficking law. • Widely disseminate and implement the standardized procedures for government personnel to proactively identify potential trafficking victims, using the established national referral mechanism. • Systematically and proactively identify trafficking victims by screening vulnerable populations for trafficking indicators, including refugees, asylum-seekers, and foreign nationals, such as Ethiopian and Somali economic migrants and Cuban medical professionals, and refer all identified victims to appropriate care. • Institute and partner with international experts to provide regular training for judges, prosecutors, and law enforcement officials on the

distinctions between human trafficking and migrant smuggling and on compiling and interpreting evidence of trafficking crimes using a victim-centered approach. • Establish a training program for the Coast Guard to improve identification of potential trafficking victims among migrants transiting by sea. • Revise, finalize, resource, and implement the extended national action plan. • Strengthen protective services for victims through partnerships with NGOs or international organizations and provide support to civil society organizations providing protection services. • Increase awareness of trafficking among the public, especially transiting migrants, through government-run campaigns or financial and in-kind support for NGO-run campaigns.

PROSECUTION

The government decreased law enforcement efforts to combat trafficking. The 2016 Law No.133, On the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants, criminalized sex trafficking and labor trafficking; it prescribed penalties of five to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. The law considered the involvement of a minor or forcing a victim into prostitution as aggravating circumstances for which the penalties increased to 10 to 20 years' imprisonment. Law No.111, Regarding the Fight Against Terrorism and Other Serious Crimes of 2011, also prohibited sex trafficking and labor trafficking and prescribed penalties of 10 to 15 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Definitions and penalties in these two laws diverged, but the extent to which this hampered law enforcement, prosecutorial, and judicial officials' ability to prosecute suspected traffickers effectively was indeterminable.

The government investigated 13 potential trafficking crimes, compared with 33 investigations during the prior reporting period. The government reported prosecuting 21 suspected traffickers in 13 cases under the 2016 anti-trafficking law, a significant decrease compared with 80 suspected traffickers in 33 cases in the prior year; however, it was unclear if prosecutors filed human trafficking or migrant smuggling charges in either year. For the fourth

consecutive year, officials did not achieve any trafficking convictions; analogous to previous years, most prosecutions resulted in smuggling convictions. In response to the pandemic, the government closed the country's only court from March to August 2020. Severe resource and capacity limitations impeded officials' ability to develop comprehensive investigations of trafficking indicators and crimes. During the reporting period, finite human resources and limited awareness by law enforcement of how to identify trafficking victims reduced its ability to gather and collect evidence in all potential trafficking crimes. Additionally, officials' propensity to conflate trafficking and smuggling made it likely that some reported cases involved individuals seeking to illegally cross international borders via irregular migration (migrant smuggling) and other crimes not involving exploitation through forced labor or sex trafficking. Officials also shared that the requirement for law enforcement to present an investigative report and evidence to the court within three days of a suspect's arrest (two days for crimes committed in Djibouti City) inhibited law enforcement's ability to fully investigate all crimes, including trafficking, and judges often dismissed cases on procedural grounds. Observers reported that families or village elders often settled allegations of forced labor informally through traditional arrangements between religious and community leaders, without recourse to the formal court system. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Observers reported that security forces, especially at lower levels, were susceptible to bribes and may have ignored trafficking crimes.

The National Police maintained a unit focused on vulnerable minors that had a mandate to investigate and arrest traffickers. The Ministry of Justice (MOJ) had an unspecified number of dedicated prosecutors for cases involving trafficking or vulnerable children. During the reporting period, the government, in partnership with an international organization, continued to participate in a monthly mixed-migration task force for coordination on migration, smuggling, and human trafficking. In partnership with the French government, gendarmerie and coast guard officials developed a standard operating procedure (SOP) to collaborate with international investigators on trafficking cases. The MOJ worked with an international

organization to provide training seminars on trafficking to an unspecified number of judges, prosecutors, and advisors to training seminars on trafficking; this included, for the first time, training the incoming class of magistrates on trafficking crimes. The National Police and Gendarmerie continued to work with an international organization to implement training on detection and identification of trafficking crimes in all police academies in Djibouti City and in the rural areas of the country.

PROTECTION

The government decreased efforts to identify trafficking victims, while maintaining protection services that could benefit potential victims. For the second consecutive reporting period, the government did not report identifying any trafficking victims and quickly repatriated all potential victims—most of whom were Ethiopian—to their home countries without screening for trafficking indicators. As no victims were formally identified, the government did not report referring any trafficking victims to services; however, the government, in partnership with international organizations and NGOs, continued to provide services to thousands of individuals in vulnerable populations, which may have included trafficking victims. Although it had formal SOPs to guide officials in the proactive identification of victims and their subsequent referral to care, relevant officials did not consistently use these procedures, and few officials were trained to do so; in practice, officials routinely called upon prominent points of contact for assistance in determining care options for victims rather than consulting the written procedures. The government continued to grant authority to an international organization to conduct trafficking screenings of all transiting migrants—including an unknown number of potential trafficking victims—and partnered with this entity to provide water, food, and temporary shelter during the reporting period. During the reporting year, relevant government entities, in close cooperation with an international organization, facilitated the repatriation of 537 migrants to their respective countries of origin, the large majority of whom were Ethiopian, compared with 4,220 repatriations in 2019. Some of these individuals reportedly encountered violence, coercion, or exploitation during their travels across multiple transit countries. The government and international organization involved

with repatriations attributed the significant decrease to border closures and travel and movement restrictions in response to the pandemic.

The government continued to depend on ad hoc mechanisms to refer victims to care and continued to assist potential trafficking victims through programming targeting refugees or migrants more broadly, rather than providing specialized services. The government and international organizations reported that the provision of services to vulnerable populations—including potential victims—during the pandemic was difficult, especially in crowded migrant response centers (MRCs) and refugee camps, some of which regularly accommodated double the intended capacity during the year. With governmental authorization, a locally-operated NGO continued to host unaccompanied migrant and highly vulnerable street children in Djibouti's first secure, 24-hour dormitory that could appropriately house trafficking victims; the police unit that focused on vulnerable children had a mandate to refer children to the shelter, but the government did not report referring any potential victims to the shelter during the reporting period. In prior years, the Ministry of Women and Family Affairs provided social workers to offer psychosocial support at the shelter; however, in light of pandemic restrictions, the government did not provide this service during the reporting period. Separately, the Coast Guard provided clothing and food to vulnerable migrants stranded at sea and transported them to care provided by an international organization, typically in Khôr 'Angar or Obock. The government continued its administration and funding of two MRCs, in Obock and Aour Aoussa, which included office and short-term living quarters staffed and were operated by an international organization, and other transit or processing centers along routes heavily traversed by migrants. An international organization closed two MRCs in Loyada and Khôr 'Angar, which the government previously supported, during the reporting period due lack of funding from pandemic-related budget allocations. Since 2017, the Ministry of Health has provided one full-time doctor trained to identify trafficking indicators to the National Union for Djiboutian Women counseling center, a facility that deals with trafficking cases among other crimes; the MOJ provided a prosecutor liaison to the same center to provide legal assistance to victims. Health officials, in partnership with an international organization, continued to operate five mobile clinics along dangerous migration routes that could provide vulnerable migrants with medical assistance.

Key ministries that supported groups vulnerable to trafficking continued to provide resources to support various protection services for potential victims. The government allocated more than 109 million Djiboutian francs (\$615,820) in 2020, compared with more than 110 million Djiboutian francs (\$621,470) in 2019 and 140 million Djiboutian francs (\$790,960) in 2018, to relevant ministries, MRCs, transit centers, and local NGOs, which operated counseling centers and other programs—including a hotline—that assisted potential trafficking victims. The 2016 anti-trafficking law included provisions allowing trafficking victims temporary residency during judicial proceedings and permanent residency, as necessary, as a legal alternative to removal to countries where victims might face hardship or retribution. Additionally, the 2016 law directed the government to provide victims legal assistance and an interpreter, in addition to psychological, medical, and social assistance; the government did not report whether it applied these provisions during the reporting year. There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit; however, due to irregular implementation of formal identification procedures, trafficking victims, particularly vulnerable migrants and individuals involved in commercial sex, may have remained unidentified within the law enforcement system.

PREVENTION

The government decreased efforts to prevent trafficking. The Ministry of Interior (MOI) maintained responsibility to coordinate government efforts to monitor mixed migration and combat human trafficking; however, the government did not report convening a coordinating body to implement anti-trafficking efforts during the reporting period. In 2020, the government created a specialized office within the National Directorate of the Police, which sits within the MOI, to coordinate migration issues, including those involving human trafficking; during the reporting period the office focused on patrolling areas known for commercial sex transactions, but did not report identifying any victims or reporting potential trafficking cases to law enforcement. For the sixth consecutive year, the government did not operationalize its 2015-2022 national action plan, hindering targeted anti-trafficking efforts. The MOJ's website featured the government's trafficking-related efforts throughout the year and publicized articles on human trafficking in addition to Djibouti's anti-trafficking law. The government did

not report conducting targeted awareness campaigns to combat trafficking during the reporting period. The Ministry of Women and Family Affairs operated two 24-hour hotlines to report cases of gender-based violence and refer victims to services, which could be utilized by trafficking victims; the government continued to publicize hotline information on its website and local radio and television stations. While the hotline reported it received five to 10 calls per day, the government did not report call data related human trafficking. Labor recruitment and placement companies were subject to random inspections by the inspector general; however, the government did not report how many inspections of these companies it conducted during the reporting period. The government conducted 30 labor inspections to enforce laws against forced labor during the reporting period, a decrease from 103 inspections in 2019; due to pandemic-related travel restrictions, officials conducted inspections in Djibouti City but not in the regions of Ali Sabieh, Dikhil, Tadjourah, and Obock as in previous years. The government did not report identifying any trafficking victims during these inspections or investigating any potential violations. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Djibouti. Adults and children, primarily economic and often undocumented migrants from Ethiopia and Somalia, transit Djibouti voluntarily en route to Yemen and other locations in the Middle East, particularly Saudi Arabia. Traffickers, often outside of Djibouti, exploit an unknown number of these migrants in forced labor and sex trafficking in their intended destinations, and these irregular migrants are also at increased risk of trafficking in various transit points, particularly Yemen. Economic migrants who also pass through Djibouti to return to their respective countries of origin are vulnerable to trafficking. An international organization observed an increase in returning migrants during the reporting period due to travel restrictions or economic impacts of the pandemic in the Middle East. According to government estimates and an international organization, approximately 120,000 migrants—predominantly Ethiopian—transited Djibouti (population of less than one million) in 2020, including both land and sea crossings, putting a significant strain on the government's already

limited resources. Due to the closure of Ethiopian borders in response to the pandemic, the number of entries from Djibouti's western borders significantly decreased from January to June 2020; however, the number of entries from Ethiopia sharply increased when land services resumed in July 2020. The civil war in Yemen continued to generate a reverse flow of persons from Yemen to Djibouti; migrants voluntarily fled or were illegally, forcibly deported from Aden, and many of them reported suffering physical abuse and may have been trafficking victims. As in previous years, the government allowed roughly 32,000 people of diverse nationalities to enter freely and take refuge, a practice dating to the start of the Yemeni war in 2015; some individuals in this population may have endured exploitation before their arrival in Djibouti and remained vulnerable to trafficking. Given the protracted political instability in Ethiopia's Oromia region, many Ethiopian nationals, including unaccompanied children, continued to journey on foot from Ethiopia to Djibouti either to claim asylum with their families or to continue onward to destination countries in Gulf states. In response to increasing conflict in Ethiopia's Tigray region, Ethiopians of Tigrayan ethnicity in Djibouti were unable or unwilling to return to Ethiopia during the reporting period; many of these migrants reported abuses and may have been trafficking victims at various points on their journey, particularly in Yemen and Saudi Arabia.

Migrant and local children in Djibouti City, particularly along the Siesta Beach road, remain vulnerable to sex trafficking. Traffickers exploit Djiboutian and migrant women and street children in sex trafficking in Djibouti City, the Ethiopia-Djibouti trucking corridor, and Obock, the main departure and arrival point for Yemen. Increasingly, traffickers exploit migrant women in sex trafficking at truck stops and in restaurants and guest houses in Balbala, one of Djibouti's poorest neighborhoods. Traffickers, including family members, exploit local and migrant children in forced begging and peddling. Traffickers may exploit foreign workers—including Ethiopians, Yemenis, Indians, Pakistanis, and Filipinos—in labor trafficking in the construction and food service sectors, and Cuban medical professionals working in Djibouti may have been forced to work by the Cuban government.